IN RE: PETITION FOR ADMIN. VARIANCE
N/S Holly Beach Road, 1180' +/centerline of Henrietta Avenue
15th Election District
5th Councilmanic District
(2700 Holly Beach Road)

Theodore & Katherine D'Anna Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 01-478-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Theodore & Katherine D'Anna, legal owners of that property known as 2700 Holly Beach Road in the Essex area of Baltimore County. The Petitioners herein seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2 ft. in lieu of the required 50 ft. for an addition (attached garage). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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At the request of the Office of Planning, I will require that the Petitioners submit elevation drawings, along with a description of the building materials to be used, for their review and approval prior to building permit application.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of June, 2001, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 2 ft. in lieu of the required 50 ft. for an addition (attached garage), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall be required to submit elevation drawings, along with a description of the building materials to be used, to the Office of Planning for their review and approval prior to building permit application.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ONIN HOLDING RESERVE



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

June 12, 2001

Mr. & Mrs. Theodore D'Anna 2700 Holly Beach Road Essex, Maryland 21221

Re: Petition for Administrative Variance

Case No. 01-478-A

Property: 2700 Holly Beach Road

Dear Mr. & Mrs. D'Anna:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

**Deputy Zoning Commissioner** 

luithy latroco

TMK:raj Enclosure



rinted with Soybean Ink

on Recycled Paper







# CMTICAL FOODPLAIN



ORDER RECEIVED FOR FILING

REV 9/15/98

# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

5.20.01

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of this petition form	ations of Baltimore Co	unty, to the zoning	law of Baltimore Count	y, for the reasons indi	cated on the back
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			I/We do solemnly d perjury, that I/we ar is the subject of this	eclare and affirm, under e the legal owner(s) of t s Petition.	the penalties of ne property which
Contract Purcha	ser/Lessee:		Legal Owner(s	<u>):</u>	
Name - Type or Print			Name, Type or Print	V. NiAnna	
Signature			Signature	11 11	
Address		Telephone No.	Name - Type or Print	M DI Q	И
City	State	Zip Code	Signature	may wa	
Attorney For Pet	itioner:		2700 Holl	y Beach Kd.	(4/0) 391-1087 Telephone No.
Nome Time as Brist			<u>ESSex</u> City	MP	21221
Name - Type or Print			•	State	Zip Code
Signature			<u>Representative</u>	to be Contacted:	
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ompany			Name		1 2/2 - 2 2
ddress		Telephone No	3401 E. Federa	11 Street (4/1	1) 342-5 14:
1 3		rolopriono 140	Baltimore	MK	Telephone No. 21213-40
y g	State	Zip Code	City	State	Zip Code
Public Hearing havin	g been formally demande	ed and/or found to be	required, it is ordered by	the Zoning Commissioner	of Baltimore County
	that County and that the property		nis petition be set for a publi	c hearing, advertised, as re	equired by the zoning
H		•			
			Zoning Com	nissioner of Baltimore Cour	ntv.
MA CAN			~o	mesoner or partitions Con-	ıty

Estimated Posting Date \_\_\_\_

I wish to construct a garage on my property.

It will meet all of the permit requirements except for zoning. My proposed garage is 27' wide, my lot in that area is 77' wide for these Reasons I am asking to be allowed to construct my garage with a 2' setback on the Eastern boundary of my property and a 48' setback on the Western boundary in lieu of the Required 50 Feet.



regulations of Baltimore County and that the property be reposted.

REV 9/15/98

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at	2700	Holly	Beach Rd.	
which	h is presen	itly zoned	R.C. 5	

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

A side yard set back of 2 Ft in Lieu of the required 50 Ft for an Addition (Attached)

garage

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			is the subject of this Petition.
Contract Purchaser/Le	ssee:		Legal Owner(s):
Name - Type or Print			Theodore V. NiAnna
wame - rype or Print			Name, Type or Print
Signature			Signature MANA
Address		Telephone No.	Namey- Type or Print
City	State	Zip Code	Signature FM. (C) CAME
Attorney For Petitioner	<u>:</u>		2700 Holly Beach Kd. (410) 391-1087 Address Telephone No.
Name - Type or Print			ESSEX Mb 2/22/ City State Zip Code
Signature			Representative to be Contacted:
Company .	<del></del>		Ted NAnna Name
Address	·	Telephone No.	3401 E. Federal Street (410) 342-5795 Address Telephone No.
			Baltimore MN 21213-4011
City	State	Zıp Code	City State Zip Code
A Public Hearing having been for this day of regulations of Baltimore County as	ormally deman	ided and/or found to be nat the subject matter of t	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning

Estimated Posting Date

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	oublic nearing is s	scheduled in the futur	e with regard thereto	).
That the Affiant(s) does/do presently reside at	2700 H	olly Beach	Rd.	
	ESSex	M N Stal		21221
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the fac ip or practical dif	ts upon which I/we b	-	an Administrative
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To construct my garage	WITH A	رع اعدا -		
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of the required 50	Feet.			•
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is	filed, Affiant(s) will	be required to pay	a reposting and
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Signature V Him	· · ·	Kalten	M. U(b-	
Theodor U. D'Anna		Signature Kallana	11 111	ia in A
Name - Type or Print		Name - Type or Print	e Joli With	NH VT
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:			
of Maryland, in and for the County aforesaid, per	ay rsonally appeare	, <i>2001</i> , be	efore me, a Notary P	ublic of the State
sheadone V. and Kathe	Vrine M.	D'anna		
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified orth are true and	to me as such Affia correct to the best of	ant(s), and made oat his/her/their knowle	th in due form of dge and belief.
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AS WITNESS my hand and Notarial Seal	3	1		
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### ZONING DESCRIPTION FOR 2700 HOLLY BEACH ROAD

Beginning at a point on the North side of Holly Beach Road which is 50 feet wide at the distance of 1180 feet plus or minus East of the centerline of Henrietta Avenue which is 50 feet wide. Being lot #33 in the subdivision of Holly Beach as recorded in Baltimore County Plat Book # 4, Folio # 182 containing 20,000 square feet also known as 2700 Holly Beach Road and located in the 15<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.





BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE	47 8 No.	93835	PATH RECEIPT
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DISTRIBUTION WHITE CASHIER PINK - AGENCY YELLOW - CUST	OMER	JC 17	CASHIER'S VALIDATION

# **CERTIFICATE OF POSTING**

		Date: <u>5/17/01</u>
RE:	Case Number <i>01 - 478 - A</i>	····
	Petitioner/Developer: Tuebooke D' Anna	
	Date of Hearing/Closing: 6/4/6/	
were	This is to certify under the penalties of perjury the posted conspicuously on the property located at	,
	The sign(s) were posted on	<i>5/15 / 01</i> (Month, Day, Year)
		(Signature of Sign Poster)
		Bauce E. Doak (Printed Name of Sign Poster)
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	PRICE FRANCE AND	(City, State, Zip Code of Sign Poster)
د اور		410. 823.4470
		(Telephone Number of Sign Poster)
114		Revised 3/1/01 - SCJ

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

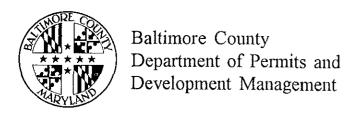
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	478
Item Number or Case Number:	
Petitioner: THEODORE	DANNA
Address or Location: 2700 /	HOLLY BEACH RO. ESSEX, Md. 21221
PLEASE FORWARD ADVERTIS	•
Name:	
Address:	Some_
•	
Telephone Number:	416) 391-1087.

Revised 2/20/98 - SCJ

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 478 -A Address 2700 Holly Beach Ro.
Contact Person: Phone Number: 410-887-3391
Filing Date: 5/20 Closing Date: 6/4
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 01- 478 -A Address 2700 Holly Bench for
Petitioner's Name Theorem D'ANNA Telephone 410-342-5795
Vording for Sign: To Permit A SIDE (BY)
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ADDITION -
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 5, 2001

Katherine M & Theodore V D'Anna 2700 Holly Beach Road Essex MD 21221

Dear Mr. & Mrs. D'Anna:

RE: Case Number: 01-478-A, 2700 Holly Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	710 007 0400
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

GDZ

Supervisor, Zoning Review

W. Carl Richard, Jr.

WCR: gdz

Enclosures

C: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 5, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 29, 2001

Item Nos. 461, 463, 464, 465, 466, 467, 469, 470, 472, 473, 474, 475, 478, 480,

483, and 006

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

June 5, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 21, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

461, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 477, 478, 479, 482, 483,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

AV WH

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 8, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2700 Holly Beach Road

**INFORMATION:** 

**Item Number:** 

01-478

Petitioner:

Theodore V. D'Anna

Zoning:

RC 5

Requested Action:

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

Elevation drawings, along with a description of the building materials to be used, should be submitted to the Office of Planning for review and approval prior to building permit application.

Prepared by:

Section Chief:

AFK:MAC:

JEN RECEIVED FOR FILING

W:\DEVREV\ZAC\01-478.doc

PETITION FOR ZONING VARIANCE \* IN RE:

N/S Holly Beach Rd., 1180 ft. +/- E of c/l Henrietta 2700 Holly Beach Road 15th Election District 5th Councilmanic District

Anthony Bialozynski, et ux Legal Owner

Theodore V. D'Anna, Contract

Purchaser - Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-173-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 2700 Holly Beach Road, in the Holly Beach Subdivision of eastern Baltimore County. The Petition was filed by Anthony Bialozynski and Donna Bialozynski, his wife, property owners and Theodore V. D'Anna, Contract Purchaser.

Variance relief is requested from Sections 1A04.3.B.3 and 304 of the Baltimore County Zoning Regulations (BCZR) to permit a dwelling with side yard setbacks of 10 ft. and 11 ft., in lieu of the required 50 ft. and to approve an undersized lot. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were Theodore V. D'Anna, co-Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence presented at the hearing was that the subject This is a waterfront property site is .46 acres in area, zoned R.C.5. with frontage on Middle River in eastern Baltimore County. The property was owned by Anthony Bialozynski, but under contract of sale to Mr. Since the filing of the Petition but prior to the date of the D'Anna. hearing, settlement has occurred and Mr. D'Anna is now the owner.

The Petitioner indicated that he desires to construct a two story dwelling on the site. Presently, the lot is improved with an existing 1-1/2 story dwelling which will be razed. The dwelling presently on site is very old and in need of repair.

An examination of the site plan shows that the proposed dwelling will be situated in the center of the lot and that side yard setbacks of 10 ft. and 11 ft. will be maintained. The property is approximately 76 ft. wide at the building line.

Under the R.C.5 zoning classification, the Petitioner would be required to maintain a 50 ft. setback from the dwelling to the property line. Obviously, in view of the property's width, such a requirement cannot be met. Strict adherence to the regulations would render the lot unbuildable.

For this reason, it is clear that the variance relief should be granted. The Petitioner would suffer a practical difficulty if relief were denied in that the property could not be utilized for a permissible use.

Moreover, I find no adverse impact on the surrounding locale. In this regard, a letter from neighbors on both sides was submitted indicating that they do not object to a grant of the variance relief. Moreover, the Petitioner has filed a copy of the proposed building elevations to the Office of Planning for review. These elevations have been reviewed and approved.

There are no comments in the file from the Department of Environmental Protection and Resource Management (DEPRM) regarding this site. Surely the property is within the Chesapeake Bay Critical Area in that same is a waterfront property. Thus, the Petitioner shall comply with any

recommendations and requirements of DEPRM as it relates to the proposed construction.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

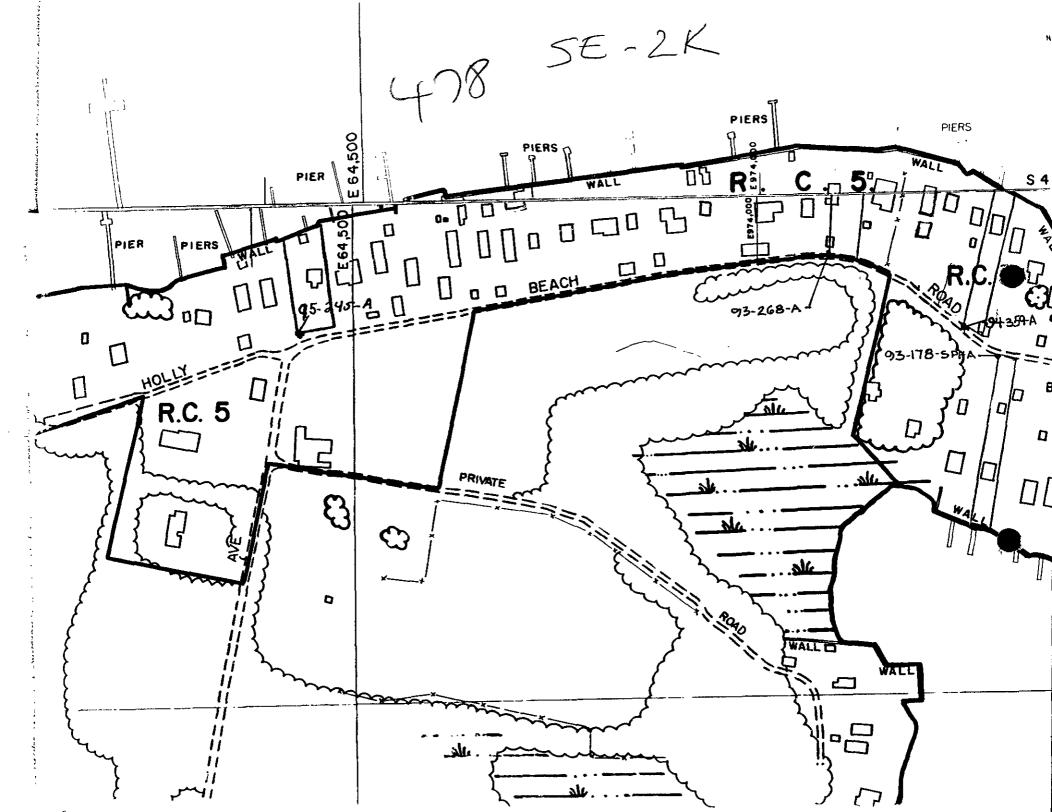
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 1996 that a variance from Section 1A04.3.B.3 and 304 of the Baltimore County Zoning Regulations (BCZR) to permit a dwelling with side yard setbacks of 10 ft. and 11 ft., in lieu of the required 50 ft., and to approve an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions:

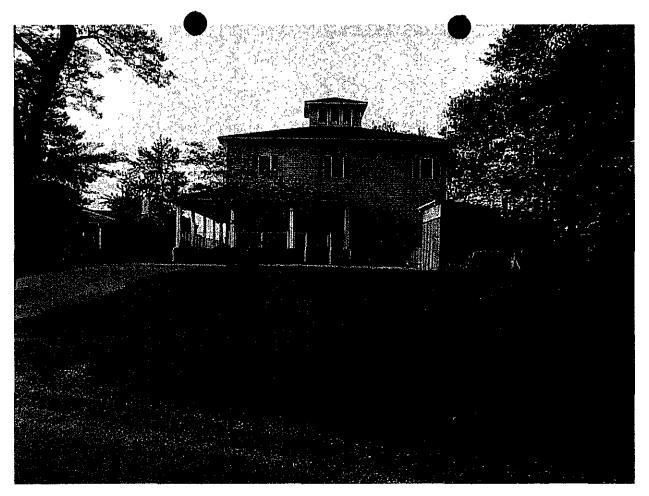
- 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner shall comply with the Department of Environmental Protection and Resource Management (DEPRM) recommendations to be submitted upon completion of their review of this matter.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

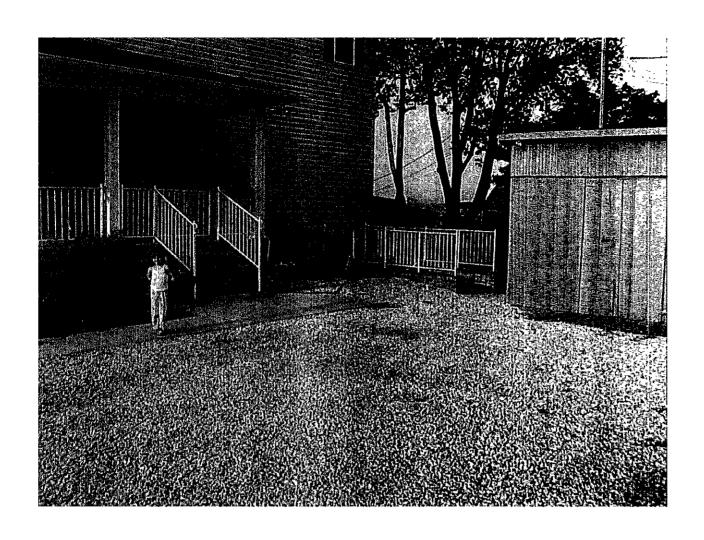
LES/mmn

Plat to accompany Petition for Zoning X Variance	e Special Hearing
	HECKLIST for additional required information
Subdivision name: Holly Beach    plat book# 4 ,tollo#182, lot# 33 , section# N/A	E   F (SUBJ ECTG M
· · · · · · · · · · · · · · · · · · ·	HOLLY BEACH
OWNER: Theodore V. D'Anna	The second second
	BREEZY PORTO
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5-1923.	
0733;p	
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/ / F \ Collins of the state of	scale: 1'=1000'
CHESAPEAKE I	LOCATION INFORMATION
CHESAPEAKE B	Election District: 15
	Councilmanic District: 5
CHESAPEAKE	1'=200 scale map#: 5E 2K
	Zoning: £C5 Lot size: 46 20,000
	acreage square feet
N19'09 W(200.007)	public private
PHETE OF STATE OF STA	SEWER: X
	WATER: W
	Chesapeake Bay Critical Area: [X] [] Prior Zaning Hearings: See AHAChe
	CASE#97-173-A (Item#173)
North 4-24-2001	Zoning Office USE ONLY!
	reviewed by: ITEM #: CASE#:
prepared by: Ted DAnna Scale of Drawing: 1'= 50	>M 478











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